



General Assembly

February Session, 2016

***Raised Bill No. 225***

LCO No. 1866



Referred to Committee on LABOR AND PUBLIC EMPLOYEES

Introduced by:  
(LAB)

***AN ACT AUGMENTING THE FEE SCHEDULE FOR RADIOLOGY SERVICES UNDER THE WORKERS' COMPENSATION STATUTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-280 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) There shall continue to be a chairman of the Workers'  
4 Compensation Commission selected by the Governor as provided in  
5 section 31-276. The chairman may not hear any matter arising under  
6 this chapter, except appeals brought before the Compensation Review  
7 Board and except as provided in subdivision (14) of subsection (b) of  
8 this section. The chairman shall prepare the forms used by the  
9 commission, shall have custody of the insurance coverage cards, shall  
10 prepare and keep a list of self-insurers, shall prepare the annual report  
11 to the Governor and shall publish, when necessary, bulletins showing  
12 the changes in the compensation law, with annotations to the  
13 Connecticut cases. The chairman shall be provided with sufficient staff  
14 to assist him in the performance of his duties. The chairman may,  
15 within available appropriations, appoint acting compensation

16 commissioners on a per diem basis from among former workers'  
17 compensation commissioners or qualified members of the bar of this  
18 state. Any acting compensation commissioner appointed under this  
19 subsection shall be paid on a per diem basis in an amount to be  
20 determined by the Commissioner of Administrative Services, subject to  
21 the provisions of section 4-40, and shall have all the powers and duties  
22 of compensation commissioners. The Workers' Compensation  
23 Commission shall not be construed to be a commission or board  
24 subject to the provisions of section 4-9a.

25 (b) The chairman of the Workers' Compensation Commission shall:

26 (1) Establish workers' compensation districts and district offices  
27 within the state, assign compensation commissioners to the districts to  
28 hear all matters arising under this chapter within the districts and may  
29 reassign compensation commissioners once each year, except that  
30 when there is a vacancy, illness or other emergency, or when  
31 unexpected caseload increases require, the chairman may reassign  
32 compensation commissioners more than once each year;

33 (2) Adopt such rules as the chairman, in consultation with the  
34 advisory board, deems necessary for the conduct of the internal affairs  
35 of the Workers' Compensation Commission;

36 (3) Adopt regulations, in consultation with the advisory board and  
37 in accordance with the provisions of chapter 54, to carry out his  
38 responsibilities under this chapter;

39 (4) Prepare and adopt an annual budget and plan of operation in  
40 consultation with the advisory board;

41 (5) Prepare and submit an annual report to the Governor and the  
42 General Assembly;

43 (6) Allocate the resources of the commission to carry out the  
44 purposes of this chapter;

45 (7) Establish an organizational structure and such divisions for the  
46 commission, consistent with this chapter, as the chairman deems  
47 necessary for the efficient and prompt operation of the commission;

48 (8) Establish policy for all matters over which the commission has  
49 jurisdiction, including education, statistical support and administrative  
50 appeals;

51 (9) Appoint such supplementary advisory panels as the chairman  
52 deems necessary and helpful;

53 (10) Establish, in consultation with the advisory board, (A) an  
54 approved list of practicing physicians, surgeons, podiatrists,  
55 optometrists and dentists from which an injured employee shall  
56 choose for examination and treatment under the provisions of this  
57 chapter, which shall include, but not be limited to, classifications of  
58 approved practitioners by specialty, and (B) standards for the approval  
59 and removal of physicians, surgeons, podiatrists, optometrists and  
60 dentists from the list by the chairman;

61 (11) (A) Establish standards in consultation with the advisory board  
62 for approving all fees for services rendered under this chapter by  
63 attorneys, physicians, surgeons, podiatrists, optometrists, dentists and  
64 other persons;

65 (B) In consultation with employers, their insurance carriers, union  
66 representatives, physicians and third-party reimbursement  
67 organizations, establish, not later than October 1, 1993, and publish  
68 annually thereafter, a fee schedule setting the fees payable by an  
69 employer or its insurance carrier for services rendered under this  
70 chapter by an approved physician, surgeon, podiatrist, optometrist,  
71 dentist and other persons, provided the fee schedule shall not apply to  
72 services rendered to a claimant who is participating in an employer's  
73 managed care plan pursuant to section 31-279. On and after April 1,  
74 2008, the chairman shall implement and annually update relative  
75 values based on the Medicare resource-based relative value scale and

76 implement coding guidelines in conformance with the Correct Coding  
77 Initiative used by the federal Centers for Medicare and Medicaid  
78 Services. The conversion to the Medicare resource-based relative value  
79 scale shall be revenue-neutral. The fee schedule shall limit the annual  
80 growth in total medical fees to the annual percentage increase in the  
81 consumer price index for all urban workers. The chairman may make  
82 necessary adjustments to the fee schedule for services rendered under  
83 this chapter where there is no established Medicare resource-based  
84 relative value. Payment of the established fees by the employer or its  
85 insurance carrier shall constitute payment in full to the practitioner,  
86 and the practitioner may not recover any additional amount from the  
87 claimant to whom services have been rendered;

88 (C) Issue, not later than October 1, 1993, and publish annually  
89 thereafter, guidelines for the maximum fees payable by a claimant for  
90 any legal services rendered by an attorney in connection with the  
91 provisions of this chapter, which fees shall be approved in accordance  
92 with the standards established by the chairman pursuant to  
93 subparagraph (A) of this subdivision;

94 (D) Notwithstanding the provisions of subparagraph (B) of this  
95 subdivision, augment, not later than July 1, 2016, the fee schedule for  
96 radiology current procedural terminology (CPT) codes 72131, 72141,  
97 72146, 72148, 72158, 73218, 73221, 73222, 73718 and 73721 by fifteen per  
98 cent;

99 (12) Approve applications for employer-sponsored medical care  
100 plans, based on standards developed in consultation with a medical  
101 advisory panel as provided in section 31-279;

102 (13) Establish procedures for the hiring, dismissing or otherwise  
103 disciplining and promoting employees of the commission, subject  
104 where appropriate to the provisions of chapter 67;

105 (14) Control the hearing calendars of the compensation  
106 commissioners, and if necessary, preside over informal hearings in

107 regard to compensation under the provisions of this chapter in order to  
108 facilitate the timely and efficient processing of cases;

109 (15) Enter into contracts with consultants and such other persons as  
110 necessary for the proper functioning of the commission;

111 (16) Direct and supervise all administrative affairs of the  
112 commission;

113 (17) Keep and maintain a record of all advisory board proceedings;

114 (18) Assign and reassign a district manager and other staff to each of  
115 the commission's district offices;

116 (19) Collect and analyze statistical data concerning the  
117 administration of the Workers' Compensation Commission;

118 (20) Direct and supervise the implementation of a uniform case  
119 filing and processing system in each of the district offices that will  
120 include, but not be limited to, the ability to provide data on the  
121 number of cases having multiple hearings, the number of postponed  
122 hearings and hearing schedules for each district office;

123 (21) Establish staff development, training and education programs  
124 designed to improve the quality of service provided by the  
125 commission, including, but not limited to, a program to train district  
126 office staff in the screening of hearing requests;

127 (22) Develop standard forms for requesting hearings and standard  
128 policies regarding limits on the number of informal hearings that will  
129 be allowed under this chapter, and limits on the number of  
130 postponements that will be permitted before a formal hearing is held  
131 pursuant to section 31-297;

132 (23) Develop guidelines for expediting disputed cases;

133 (24) Establish an ongoing training program, in consultation with the

134 advisory board, designed to assist the commissioners in the fulfillment  
135 of their duties pursuant to the provisions of section 31-278, which  
136 program shall include instruction in the following areas: Discovery,  
137 evidence, statutory interpretation, medical terminology, legal decision  
138 writing and the purpose and procedures of informal and formal  
139 hearings;

140 (25) Evaluate, in conjunction with the advisory board, the  
141 performance of each commissioner biannually and, notwithstanding  
142 the provisions of subsection (b) of section 1-210 and chapter 55, make  
143 the performance evaluation of any commissioner available only to the  
144 Governor, the members of the joint standing committee on the  
145 judiciary and the respective commissioner prior to any public hearing  
146 on the reappointment of any such commissioner. Any information  
147 disclosed to such persons shall be used by such persons only for the  
148 purpose for which it was given and shall not be disclosed to any other  
149 person;

150 (26) (A) In consultation with insurers and practitioners, establish not  
151 later than October 1, 1993, and publish annually thereafter, practitioner  
152 billing guidelines for employers, workers' compensation insurance  
153 carriers and practitioners approved by the chairman pursuant to  
154 subdivision (10) of this subsection. The guidelines shall include  
155 procedures for the resolution of billing disputes and shall prohibit a  
156 practitioner from billing or soliciting payments from a claimant for  
157 services rendered to the claimant under the provisions of this chapter  
158 (i) during a payment dispute between the practitioner and the  
159 employer or its workers' compensation insurance carrier, or (ii) in  
160 excess of the maximum fees established pursuant to subparagraph (B)  
161 of subdivision (11) of this subsection;

162 (B) In consultation with practitioners and insurers, develop not later  
163 than July 1, 1994, practice protocols for reasonable and appropriate  
164 treatment of a claimant under the provisions of this chapter, based on  
165 the diagnosis of injury or illness. The commission shall annually

166 publish the practice protocols for use by approved practitioners,  
167 employers, workers' compensation insurance carriers and  
168 commissioners in evaluating the necessity and appropriateness of care  
169 provided to a claimant under the provisions of this chapter;

170 (C) In consultation with practitioners and insurers, develop not later  
171 than July 1, 1994, utilization review procedures for reasonable and  
172 appropriate treatment of a claimant under the provisions of this  
173 chapter. The chairman shall annually publish the procedures for use  
174 by approved practitioners, employers, workers' compensation  
175 insurance carriers and commissioners in evaluating the necessity and  
176 appropriateness of care provided to a claimant under the provisions of  
177 this chapter.

178 (c) The chairman, as soon as practicable after April first of each year,  
179 shall submit to the Comptroller an estimated budget of expenditures  
180 which shall include all direct and indirect costs incurred by the  
181 Workers' Compensation Commission for the succeeding fiscal year  
182 commencing on July first next. The Workers' Compensation  
183 Commission, for the purposes of administration, shall not expend  
184 more than the amounts specified in such estimated budget for each  
185 item of expenditure except as authorized by the Comptroller. The  
186 chairman shall include in his annual report to the Governor a  
187 statement showing the expenses of administering the Workers'  
188 Compensation Act for the preceding fiscal year.

189 (d) The chairman and the Comptroller, as soon as practicable after  
190 August first in each year, shall ascertain the total amount of expenses  
191 incurred by the commission, including, in addition to the direct cost of  
192 personnel services, the cost of maintenance and operation, rentals for  
193 space occupied in state leased offices and all other direct and indirect  
194 costs, incurred by the commission and the expenses incurred by the  
195 Department of Rehabilitation Services in providing rehabilitation  
196 services for employees suffering compensable injuries in accordance  
197 with the provisions of section 31-283a, during the preceding fiscal year

198 in connection with the administration of the Workers' Compensation  
199 Act and the total noncontributory payments required to be made to the  
200 Treasurer towards commissioners' retirement salaries as provided in  
201 sections 51-49, 51-50, 51-50a and 51-50b. An itemized statement of the  
202 expenses as so ascertained shall be available for public inspection in  
203 the office of the chairman of the Workers' Compensation Commission  
204 for thirty days after notice to all insurance carriers, and to all  
205 employers permitted to pay compensation directly affected thereby.

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| This act shall take effect as follows and shall amend the following sections: |  |  |
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| Section 1 | <i>October 1, 2016</i> | 31-280 |
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***Statement of Purpose:***

To require the chairman of the Workers' Compensation Commission to augment the fee schedule for certain radiology services by fifteen per cent.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*